PAPERS LAID ON THE TABLE

SRI V. M. KUSHNOOR (Minister of State for Co-operation).—Sir, I beg to lay.—

"1. Notification No. SO 3319 dated 3rd December 1977; Application of Section 30 of K. C. S. Act with modification in respect of Bangalore Central Co-operative Bank, Limited, Bangalore.

2. Notification No. RDC 52 CLM 77 dated 10th July 1978 The Karnataka Co-operative Societies (Fourth Amendment) Rules, 1978;

under section 130 of the Co-operative Societies Act, 1959."

MR. SPEAKER.—The papers are laid.

Statement of Minister of State for Co-operation.

re: Election of President and Vice-President of D. C. C. Bank Gulbarga.

SRI GOVINDA P. WADEYARAJ.—Sir, the Hon'ble Chief Minister had promised yesterday that he would request the Co-operation Minister to make a statement on the Gulbarga Central Co-operative Bank Elections.

SRI V. M. KUSHNOOR (Minister of State for Co-operation).—I wish to make the following statement.—

Government of Karnataka directed the Registrar of Co-operative Societies on 13th April 1978 to see that the elections are held to the Board of Directors of the District Central Co-operative Bank Ltd., Gulbarga and that the Board should be entrusted to non-officials before 28th July 1978 on which date the term of the Deputy Commissioner, Gulbarga District as Special Officer expires. Accordingly elections to the Committee of Management of the D. C. C. Bank, Gulbarga were held on 16th July 1978 and 12 non-officials were declared elected to the Committee of Management by the Returning Officer and one vacancy viz., from the Jewargi Constituency of Agricultural Co-operative Credit Societies was not filled as no nomination was received.

As per sub-section (4) of Section 29 (A) of Karnataka Co-operative Societies' Act, 1959, the Secretary of the Co-operative Societies shall within 15 days from the date of elections convene a meeting in the prescribed manner of all the members of the Committee (including nominated and ex-officio members if any) for the purpose

of electing the President, Vice-President, the Chairman, the Vice-Chairman and such other office bearers as are required to be elected under the Bye-laws of the Co-operative Society. The Secretary of the DCC Bank, Gulbarga, therefore, convened a meeting of Committee of Management of the Bank on 26th July 1978 at 11-00 A.M.

Government of Karnataka issued a notification on 25th July 1978 nominating 5 non-official Directors on the Committee of Management of the DCC Bank Ltd., Gulbarga under section 53 A of the Act. A telegram was also sent by the Government to the Secretary of the DCC Bank, Gulbarga on 25th July 1978 intimating him about the nomination of 5 non-officials on the Committee of Management of the Bank. In that telegram it was mentioned that these 5 non-official Directors may be allowed to attend the meeting and participate in the elections.

The Secretary of the DCC Bank Ltd., Gulbarga has reported to the Government *vide* his letter dated 26th July 1978 that the first Board Meeting of the Bank was fixed on 26th July 1978 at 11-00 A.M. for the election of the President Vice-President. He has reported that in the mean while he received telegrams from the Apex Bank and from VIKAS (RDC Dept. of the Govt.) at 9-15 A. M. on 26th July 1978 and that the contents of the telegram were noted by him. As it was not possible for the Secretary to intimate the nominated Directors to attend the meeting to participate in the elections, he submitted the entire papers to the Special Officer of the Bank (Deputy Commissioner Gulbarga Dist.) who sought legal opinion from the Bank Legal Advisor. It is reported that the Legal Advisor gave his opinion to adjourn the meeting and give notices to the newly nominated members. The Secretary of the Bank had reported that the adjournment notice need not be of 7 days and so the Secretary adjourned the meeting of the Board of Directors fixed for 26th July 1978 to 28th July 1978 at 5-00 PM. and issued notices to all the members of the Board. The Secretary reports that in the meantime some of the elected Directors chose to conduct the meeting of the first Board of the Bank among themselves and they took the proceedings book and incorporated a resolution starting that they are duly constituted body and the Secretary was asked to sign this resolution. As the Secretary had already recorded the adjournment of the Meeting, the Secretary states that he could not sign the resolution as desired by them. The Secretary of the Bank has also reported that Shri Jagdish Patil assuming in him the charge of the President has occupied the Chair of the President of the Bank.

As per the provisions of the Section 70 (2) (c)of Karnataka Co-operative Societies Act 1959, any dispute arising in connection with

the election of President, Vice-Paesident, Chairman, Secretary, Treasurer, or member of a Committee of the Society has to be field before the Registrar. As per section 105 am appeal against the order of the Registrar passed under section 71 of the Act which deals with the disposal of the disputes referred to the Registrar under section 70 of the Act, lies to the Karnataka Appellate Tribunal.

Government have not issued any direction of the Secretary of the D.C,C. Bank Ltd., Gulbarga to postpone the Meeting of the Board of the D.C.C Bank, Gulbarga fixed on 26th July 1978 to 28th July 1978 or to any other date. Government have just conveyed the fact that 5 non-official Directors have been nominated to the Board of Directors of the Bank and has intimated the Secretary to allow them to attend the meeting and to participate in the elections.

If any person is aggrieved by the action of the Secretary of the DCC Bank, Gulbarga in adjourning the meeting of the Board of Directors fixed for 26th July 1978 for the electiog of the President and Vice-President to 28th July 1978. he can file a dispute before the Registrar under section 73 of the Karnataka Co-operative Societies Act. 1959.

SRI S.R. BOMMAI.—I would like to know the date of issue of the notice calling a meeting on 26-7-1978. Under what section the Secretary has got the powers to postpone or adjourn the meeting?

SRI V. M. KUSNOOR.—I have no date of the notice issued to the members.

SRI S.R. BOMMAI.—I would like to know the propriety of the government in nominating 5 directors one day previous to the meeting and directing the Secretary to permit them to participate in the meeting ?

SRI V. M. KUSNOOR.—Under section 53A, the Government can nominate the directors.

SRI S.R. BOMMAI.—The nomination of the directors have been published in the Gazette and they can attend the next meeting. Your telegram that these people have been nominated and permitted to participate in the election is clearly a direction to postpone the meeting. Government has indirectly asked the Secretary to postpone the meeting.

SRI V. M. KUSNOOR.—Merely nominating and asking them to participate in the meeting does not tantamount to adjourn the meeting.

SRI S.R. BOMMAI.—You had sent the intimation one day previous to the meeting. You have done this to prevent the majority members from electing their President and Vice-President.

SRI V. M. KUSNOOR.—There is no such provision in the Act. It is done at the will of the government at any time to appoint the directors.

SRI S.R. BOMMAI.—The will and the pleasure of the government which are discretionary powers vest with the government but they must be used in a proper way not in an arbitrary way.

SRI D. DEVARAJ URS.—The power of nominating the persons vests with the government.

ಶ್ರೀ ಎಸ್.ಆರ್. ಬೊಮ್ಮಾಯಿ.—ನೀವು ಮಾಡಬೇಡಿ ಎಂದು ಹೇಳಲಿಲ್ಲ. ಇದನ್ನು ನೋಟೀಸ್ ಇಷ್ಯೂ ಆಗುವುದಕ್ಕಿಂತ ಮೊದಲೇ ಮಾಡಬೇಕಾಗಿತ್ತು. ಈಗ ಈ ರೀತಿ ಮಾಡಿರುವುದು ಪ್ರಜಾಪ್ರಭುತ್ವದ ನೀತಿಗೆ ಸರಿಯಾದುದಲ್ಲ.

SRI D. DEVARAJ URS.—If these powers have been illegally used, you can take it to a court of law,

ಶ್ರೀ ಎಸ್. ಆರ್. ಬೊಮ್ಮಾಯಿ.—ಸರ್ಕಾರ ಪವರ್ಸ್‌ನ್ನು ಮಿಸ್‌ಯೂಸ್ ಮಾಡಿಕೊಂಡಿದೆಯೆಂದು ಗೊತ್ತಾಗುತ್ತದೆ. ಸರ್ಕಾರ ಪರೋಕ್ಷವಾಗಿ ಹೇಳಿದೆ. The Government has indirectiy asked for the postponement of the meeting. This shows that the government has misused its powers.

SRI V. M. KUSNOOR.—The authority vest with the government.

ಶ್ರೀ ಭೀಮಣ್ಣ ಖಂಡ್ರೆ.—ಸರ್ಕಾರಕ್ಕೆ ಈ ರೀತಿ ಪವರ್ ಮಿಸ್‌ಯೂಸ್ ಮಾಡುವುದು ಅಭ್ಯಾಸವಾಗಿಬಿಟ್ಟಿದೆ. ನಮ್ಮ ಶುಗರ್ ಫ್ಯಾಕ್ಟರಿಯಲ್ಲಿ ೪ ಸಾರಿ ಹೀಗೆ ಮಾಡಿದ್ದಾರೆ, ೪ ಸಾರಿಯೂ ಹೈಕೋರ್ಟ್‌ಗೆ ಹೋಗಿದ್ದಾರೆ. ಇದರಲ್ಲಿ You have given the direction. You have nominated six persons and you have given them the right to vote in the election and take part in the proceedings. Is it not misuse of powers? Indirectly you have directed the Secretary to postpone the election. It is a criminal act of the Government.

ಶ್ರೀ ಎಂ. ಮಲ್ಲಿಕಾರ್ಜುನ ಖಾರ್ಗೆ.— ಶ್ರೀ ಜಗದೀಶ್ ಸಟೀಲ್ ಅವರು ಸೆಕ್ರೆಟರಿ ಹತ್ತಿರ ಬುಕ್ ತೆಗೆದುಕೊಂಡು ಅವರೇ ಪ್ರೊಸೀಡಿಂಗ್ಸ್ ಬರೆದು, ಅವರೇ ಪ್ರಿಸೈಡ್‌ಮಾಡಿ ಸೆಕ್ರೆಟರಿಯನ್ನು ಕೇಳದೆ ಮಾಡಿದ್ದು ಅಲ್ಲದೆ ತಾವು ತಾವೇ ಕುಳಿತುಕೊಂಡು ಮಾಡಿಕೊಂಡಿದ್ದಾರೆ ಎಂದು ವರದಿಯಲ್ಲಿ ಬಂದಿದೆ. ಆದುದರಿಂದ ಅವರ ಮೇಲೆ ಸರ್ಕಾರದವರು ಏನು ಕಾರ್ಯಕ್ರಮ ತೆಗೆದುಕೊಳ್ಳುತಾರೆ ಎನ್ನುವುದನ್ನು ತಿಳಿಸಬೇಕು.

SRI V. M. KUSNOOR.—This is an election dispute. I cannot say what action I will have to take because I have already pointed out in my statement under sec. 70 of the Act, the person aggrieved will have to file the dispute with the Arbitrator and the arbitrator will decided whether that meeting is legal or illegal. The matter has to be decided by the arbitrator but not by the Government.

SRI M.M. KHARGE.—Government itself has stated that he snatched the book and he himself wrote proceedings and presided over the meeting. Hence everything is illegal. How can the government now say that they should go to the arbitrator ?

SRI S. R. BOMMAI.—The report of the officer is incorrect and false.

SRI M.C. NANIAH.—A piquant situation has arisen. From the report it is seen that an election meeting was held on 28 and the Secretary has postponed the meeting to 28-7-78 at 5 P.M.

MR. SPEAKER:— This is a matter raised under rule 312. No discussion is allowed after the Minister has made a statement.

SRI M.C. NANIAH.-A situation might arise where the bank will not be in a position to function. If there are two Presidents and Two Vice-Presidents, in that event, will the government take over the management of the bank in case such a situation develops ?

1-30 P. M.

SRI V. M. KUSHNUR.—That situation arise only after evening. I will consider afterwards.

SRI GOVINDA P. VADEYRAJ.—The Miniser has not told anything regarding the instruction sought by the Secretary. He has definitely sought instruction from the Government as to what he should do today.

The second point is that the Secretary has clearly stated at 9-15 A. M. in the morning and this information was communicated to me. There was no time. So, I submitted to the Deputy Commissioner to adjourn the meeting. Nowhere in the Co-operative Societies Act stated that a Secretary can adjourn the meeting.

Thirdly, the Secretary, not only communicated about the date of the meeting of the election of the President and Vice-President to 12 elected Directors, but also to other four non-official directors who are formally nominated by the Government. Therefore, 12 plus 4 Directors have been informed about the meeting. Now the High Court has given a stay stating that these four Directors who are already there, cannot participate in the meeting of election of President and Vice-President. When this was the position where was the need to nominate five more Directors practically just a day before. And when there is High Court stay how can you do that ?

Last point is that the Hon.Minister stated that the Secretary came to the office and adjourned the meeting which is not correct. The Secretary has taken the proceedings book and written after the proceedings taken place. There is going to be a dead-lock created there. Since yesterday President and Vice-Presidents were functioning. Today, the Secretary called for a meeting to elect another President. He is going to tell the bank that all correspondence and transactions

will be done as per the calendar of events. If your Secretary conduct the election today then a dead-lock will be created. That is why the Secretary has sought your instructions.

SRI V. M. KUSHNUR.—There is no need for giving instructiens from the Government. Because, under Sec. 29 (a) (iv) power has been given. He is within his powers to do. The Government is not having any powers. These are the election matters in which we can't interfere, Whether the committee is legal or the President or Vice-President is legal-I am not going to give any opinion. Because, it is a matter to be decided by the Arbitrator. I don't want to create any confusion. So, I am not going to tell anything. The hon.Member has mentioned about the stay. Even about the stay, I have no information about that. With regard to that stay also you have not mentioned in your notice, I would have prepared for that also. Therefore, it is not possible for me to say at this stage, whether there is a stay from the High Court or not.

SRI S. R. BOMMAI.—The Minister has made it very clear. He is not going to give any instructions because he has no powers. Another point that has been raised was about the nominated directors. The High Court has issued an injunction against that preventing them from participating in the meeting. Under these circumstances, how the Government could nominate directors until the old directors are removed- The writ petition is pending in the High Court. The Hon. Minister has said that it has not been mentioned in the notice. Government is a party to this. When the High Court has issued stay, the Minister must be aware of it. If he does not know and if it is not done, it is highly imporper and when there High Court order, how can you nominate those directors ?

SRI V. M. KUSHNUR.—We have removed the Board and appointed a special officer, After that we are holding election. There was no elected body before election. Till today, special officer is there. Unless the new Board takes the charge, the special officer will be there.

ಅಧ್ಯಕ್ಷರು.—ತಾವೇ ಈವಿಚಾರ ಕೋರ್ಟಿನ ಮುಂದಿದೆ ಎಂದು ಹೇಳಿದಿರಿ. ಹಿರಿರ ಪ್ರಕಾರ ಆ ವಿಷಯವನ್ನು ಎತ್ತಿ ಅದಕ್ಕೆ ಮಾನ್ಯ ಮಂತ್ರಿಯವರು ಉತ್ತರ ಕೊಟ್ಟಿದ್ದಾರೆ ಮತ್ತು ಅದಕ್ಕೆ ತಾವು ಒಂದೆರಡು ಸ್ಪಷ್ಟೀಕರಣ ಕೇಳಿದ್ದೀರಿ. ಪುನಃ ಈಗ ಅದರ ಮೆರಿಟ್ಸ್ ಮತ್ತು ಡಿಮೆರಿಟ್ಸ್ ಬಗ್ಗೆ ಚರ್ಚೆ ಮಾಡುವುದಕ್ಕೆ ಸಾಧ್ಯವಿಲ್ಲ. Since the matter has already been taken to the High Court, let us not discuss this matter any further. ಅದರ ಬಗ್ಗೆ ಇನ್ನು ಹೆಚ್ಚು ಪ್ರಸ್ತಾಪ ಮಾಡುವುದು ಬೇಡ. ಮುಂದಿನ ವಿಷಯಕ್ಕೆ ಹೋಗೋಣ.

SRI GOVINDA P. VADEYRAJ.—When there was telephonic instructions to the Secretary to act, why not they give the same type of instuctions to the Secretary. Once the election takes place then you can't do. What is the difficulty for them ?

ಅಧ್ಯಕ್ಷರು.—ಆ ವಿಚಾರ ಹೈಕೋರ್ಟಿನ ವಶಂದಿದೆ ಎಂದು ತಾವೇ ಹೇಳಿದ್ದೀರಿ. ಆನುದರಿಂದ ಪುನಃ ಅದರ ನೆರಿಟ್ಸ್-ಡಿ ಮೆರಿಟ್ಸ್ ಬಗ್ಗೆ ಚರ್ಚೆ ಮಾಡುವುದು ಬೇಡ. ತಮಗೂ ಆ ಎಲ್ಲಾ ವಿಷಯ ಗೊತ್ತಿನೆ. ಈಗ ಡಿಮ್ಯಾಂಡ್ಸ್ ಬಗ್ಗೆ ಡಿಸ್ಕಷನ್ ಪ್ರಾರಂಭವಾಗಲಿ. ಅದಕ್ಕೆ ಅವಕಾಶ ಮಾಡಿಕೊಡಿ.

SRI GOVIND P. VADEYRAJ.—The Government will be responsible for all the consequences. That is all I can say.

SRI QAMARUL ISLAM.—I want to draw the attention of this House and the Hon.Chief Minister to a matter which concerns the Muslim community. It is a Zero Hour and I request the Chair to give permission.....

MR. SPEAKER.—I am sorry. Please resume your seat. Without notice, I cannot allow. We have taken a decision not to include any calling attention motion or matters under Rule 312 for to-day and tomorrow. Please co-operate with this decisions.

ಶ್ರೀ ಮಳ್ಳೂರು ಆನಂದರಾವ್.—ಸ್ವಾಮಿ, ತಾವು ಇವತ್ತು ಮತ್ತು ನಾಳೆ ರೂಲ್ ೩೧೨ರ ಕೆಳಗೆ ಈ ಸಭೆಯಲ್ಲಿ ಚರ್ಚೆ ಮಾಡುವುದಕ್ಕೆ ಅವಕಾಶವಿಲ್ಲವೆಂದು ಹೇಳಿದ್ದೀರಿ ಆದರೆ ಕೆಲವು ತುರ್ತು ಪ್ರಸಂಗಗಳು ಇರುತ್ತವೆ. ಅಂತಹ ಪ್ರಸಂಗಗಳ ಬಗ್ಗೆ ನಾವು ಇಲ್ಲಿ ಚರ್ಚೆ ಮಾಡಬೇಕಾಗುತ್ತದೆ. ಮಾನ್ಯ ಮುಖ್ಯಮಂತ್ರಿಯವರ ಮನೆಯ ಮುಂದೆ ಒಬ್ಬ ಲೆಕ್ಚರರ್ ಉಪವಾಸ ಸತ್ಯಾಗ್ರಹ ಕುಳಿತಿದ್ದಾರೆ ಅವರು ಪ್ರಾಣ ಕಳೆದುಕೊಳ್ಳುವ ಸ್ಥಿತಿಯಲ್ಲಿದ್ದಾರೆ. ಈ ವಿಚಾರವನ್ನು ಇಲ್ಲಿ ಪ್ರಸ್ತಾಪ ಮಾಡಬೇಕಾಗಿದೆ. ಮಾನ್ಯ ಮುಖ್ಯಮಂತ್ರಿಯವರಿಗೂ ತಾವು ಹೇಳಿ. ನಾಳೆ ಆದರೂ ಈ ವಿಚಾರದಲ್ಲಿ ಚರ್ಚೆ ಮಾಡುವುದಕ್ಕೆ ಅವಕಾಶ ಮಾಡಿಕೊಡಿ.

ಅಧ್ಯಕ್ಷರು.—ಈ ಸಮಸ್ಯೆಯನ್ನು ತಾವು ಬೇರೆ ರೀತಿಯಲ್ಲಿ ಪರಿಪರಿಸಿಕೊಳ್ಳಿ, ಮಾನ್ಯ ಮುಖ್ಯ ಮಂತ್ರಿಯವರು ಅಲ್ಲಿಗೆ ಬರುತ್ತಾರೆ. ಆಗ ತಾವು ಅವರೊಡನೆ ಮಾತನಾಡಿ.

ಶ್ರೀ ಮಳ್ಳೂರ್ ಆನಂದರಾವ್.—ತಾವು ಈ ರೀತಿ ಹೇಳುವುದು ಉಚಿತವಲ್ಲ. ಇದರಲ್ಲಿ ತಮ್ಮ ಜವಾಬ್ದಾರಿ ಇದೆ. ನಾನು ಮೊನ್ನೆ ರೂಲ್ಸ್ ೩೧೨ರ ಕೆಳಗೆ ಈ ಬಗ್ಗೆ ನೋಟೀಸ್ ಕೊಟ್ಟಿದ್ದೇನೆ. ಅಲ್ಲಿ ಲೆಕ್ಚರರ್ ಸತ್ಯಾಗ್ರಹ ಕುಳಿತಿದ್ದಾರೆ. ಅವರು ಪ್ರಾಣ ಕಳೆದುಕೊಳ್ಳುವ ಸ್ಥಿತಿಯಲ್ಲಿದ್ದಾರೆ. ಅವರ ವಿಚಾರದಲ್ಲಿ ಇಲ್ಲಿ ನಾನು ಪ್ರಸ್ತಾಪ ಮಾಡಬೇಕಾಗಿದೆ. ದಯವಿಟ್ಟು ನಾಳೆಯಾದರೂ ಚರ್ಚೆಗೆ ಅವಕಾಶ ಮಾಡಿಕೊಡಿ.

ಅಧ್ಯಕ್ಷರು.—ತಮ್ಮ ಪಕ್ಷದ ನಾಯಕರು ಮತ್ತು ಇತರ ಸದಸ್ಯರು ಎಲ್ಲರೂ ಕೂಡಿ ಬಿಸಿನೆಸ್ ಅಡ್ವೈಸರಿ ಕಮಿಟಿಯಲ್ಲಿ ರೂಲ್ ೩೧೨ರ ಪ್ರಕಾರ ವಿಷಯವನ್ನು ಚರ್ಚೆಗೆ ತೆಗೆದುಕೊಳ್ಳಬಾರದೆಂದು ತೀರ್ಮಾನ ತೆಗೆದುಕೊಂಡಿದ್ದೇವೆ. ಆದರಂತೆ ನಾನು ಅದಕ್ಕೆ ಅವಕಾಶ ಕೊಡುವುದಕ್ಕೆ ಆಗಂವುದಿಲ್ಲ. ತಾವು ಈ ಬಗ ಒತ್ತಾಯ ಮಾಡುವುದು ಸರಿಯಲ್ಲ. The Hon. Chief Minister is inviting you. Please meet him ಈಗ ಡಿಮ್ಯಾಂಡ್ಸ್ ಬಗ್ಗೆ ಚರ್ಚೆ ಮುಂದುವರಿಸೋಣ.

Budget Estimates for 1978–79
Demands for grans

Demand Nos. 2, 6, 8, 13 to 18, 23, 24, 31, 32, 36 to 40, 45, 46, 51 and 61.

† ಶ್ರೀ ಎಂ ಮಂಚೇಗೌಡ (ಮದ್ದೂರ್).—ಸನ್ಮಾನ್ಯ ಅಧ್ಯಕ್ಷರೇ, ಈ ಸಭೆಯ ಮುಂದಿರ ತಕ್ಕಂಥ ೧೬ ಬೇಡಿಕೆಗಳನ್ನು ವಿರೋಧ ಮಾಡುತ್ತಾ, ಆದರಲ್ಲಿ ಅತಿ ಮುಖ್ಯವಾಗಿರತಕ್ಕಂಥ ಮೇಜರ್ ಮತ್ತು ಮೈನರ್ ಇರಿಗೇಷನ್‌ಗೆ ಸಂಬಂಧಪಟ್ಟ ಬೇಡಿಕೆಗಳ ಬಗ್ಗೆ ಕೆಲವು ವಿಷಯಗಳನ್ನು ತಮ್ಮ